



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,745	04/03/2002	Nigel Victor Spurr	60130-1281/99AUT244	7578
26096	7590	03/25/2004	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			JOYCE, WILLIAM C	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,745

Applicant(s)

SPURR, NIGEL VICTOR

Examiner

William C. Joyce

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-17, 20-22 and 24-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-17, 20-22 and 24-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to the amendment filed December 19, 2003 for the above identified patent application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9-14, 20, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Paetzold (US Patent 5,419,616).

Paetzold discloses a cable mechanism having a first end and a second end, a remote cable pull mechanism (22), an intermediate cable pull mechanism disposed between the first and second ends, a housing (11) having at least one side opening (19), a manually-actuatable cable attachment (17) that is manually accessible via the side opening, wherein the cable attachment is capable of operating a latch mechanism (13) when manually actuated by an operator.

3. Claims 9-14, 20, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Memmola (US Patent 4,683,774).

Memmola discloses a cable mechanism having a first end and a second end, a remote cable pull mechanism (9), an intermediate cable pull mechanism (20) disposed

Art Unit: 3682

between the first and second ends, the intermediate cable pull mechanism having a locking arrangement for locking the cable from movement, a housing (23-25) having at least one side opening, a manually-actuatable cable attachment (18) that is manually accessible via the side opening, wherein the cable attachment is capable of operating a latch mechanism (1-6) when the locking arrangement is in an unlocked position.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-17, 20-22, 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franz (DE 0 860 565) in view of Gregory (US Patent 3,835,726).

Franz illustrates a latch mechanism having a remote pull mechanism (8), an intermediate pull mechanism connection (18) disposed between the remote pull mechanism and a latch (1), and a rod arrangement (12,13) for transmitting a push/pull force between the components. Referring to column 3, lines 6-8, Franz discloses that Bowden cables can be used in place of the rod arrangement.

Franz does not specifically describe the intermediate pull mechanism, but illustrates a connection for the attachment of an intermediate pull mechanism. The prior art to Gregory teaches a well known pull mechanism for actuating a cable assembly. It would have been obvious to one of ordinary skill in the art at the time the invention was

made to actuate the intermediate connection of Franz with the cable pull mechanism of Gregory, motivation being to provide a relatively simple means for manually actuating the cable assembly from the inside of a trunk compartment.

With respect to the claims defining the remote actuator being positioned outside the compartment secured by the latch, Franz discloses (the paragraph extending from page 2 to page 3) the remote actuator can be positioned, for example, behind a body wall of the trunk lid.

6. Claims 9-17, 20-22, 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paetzold (US Patent 5,419,616) in view of Franz (DE 0 860 565).

As described above, Paetzold teaches a cable arrangement having a remote cable pull mechanism (22), an intermediate cable pull mechanism, a housing (11) having at least one side opening (19), a manually-actuatable cable attachment (17) that is manually accessible via the side opening, wherein the cable attachment is capable of operating a latch mechanism (13) when manually actuated by an operator.

Paetzold does not describe the cable arrangement being used in combination with a trunk latch, but it was known in the art to use a cable arrangement having an intermediate actuator for operating a trunk latch. For example, Franz teaches a mechanism having a remote pull mechanism (8), and an intermediate pull mechanism connection (18) disposed between the remote pull mechanism and a trunk latch (1). It would have been obvious to one of ordinary skill in the art at the invention was made to use the cable mechanism having an intermediate actuator of Paetzold for operating a

trunk latch, as taught by Franz, motivation being to provide means to manually operate the trunk latch from within the trunk compartment.

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Joyce whose telephone number is (703) 305-5114. The examiner can normally be reached on Monday - Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


William C. Joyce 3/13/04